

FRANK B. CASE.

JULY 8, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. SOUTHARD, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany H. R. 4805.]

The Committee on Naval Affairs, to whom was referred the bill (H. R. 4805) for the relief of Frank B. Case, late a midshipman in the Navy of the United States, beg leave to submit the following report, with a recommendation that the bill do pass:

Mr. Case was appointed a cadet midshipman at the Naval Academy June 10, 1873, and graduated therefrom June 29, 1879, receiving an appointment as midshipman.

In November, 1881, Mr. Case presented himself for promotion and was found by the examining board to be "physically disqualified for promotion on account of positive green blindness and feeble color sense."

Afterwards, in pursuance of section 1448, Revised Statutes, he was ordered to appear before a retiring board for inquiry into and a determination of the facts touching the nature and occasion of his disability, and as a result of the determination of said board he was "wholly" retired from the service with one year's pay, in conformity with section 1454 of the Revised Statutes.

Your committee believe that the circumstances existing at the time Mr. Case was retired warranted his retirement on furlough pay instead of his retirement with one year's pay.

At the time Mr. Case was retired it was the general opinion among physicians and surgeons that color-blindness was congenital, and, so far as your committee are advised, prior to that date the surgeons composing the naval examining boards had acted on that belief; but a few years later, in a report on a similar case, it is said that "color-blindness may be either congenital or acquired."

The examination of Case at which he was found to be color-blind was made after a cruise in the Arctic regions, where the work performed by him was of the most trying character upon the eyes.

The result of several previous examinations had failed to disclose anything like color-blindness, and it may be concluded without doing

any violence to the testimony that whatever defect existed as to the eyes of Mr. Case was brought about by the trying experiences of his Arctic trip.

The common rule has been that where the disqualification has arisen from accidents or infirmities not in the line of duty, and yet not the officer's fault, executive clemency is exercised in favor of the officer, and he is retired on furlough pay.

Where the disqualification is found to be the result of, or is incident to, the service, the officer is entitled under the law to be retired according to the provision of section 1593, Revised Statutes.

Mr. Case was the first officer, as your committee is informed, to be retired for color-blindness, but several have since been retired for that cause. He is the only officer against whom the discretion has been exercised in the way of effecting a complete retirement.

There is strong reason for believing that any disqualification possessed by Mr. Case in the way of color-blindness is the result of an incident of the service, while in some of the other cases where retirements have been made because of the same disqualification there appears to be nothing to lead to a similar conclusion.

No other reason for the retirement of Mr. Case than the one above referred to has been suggested, and it would certainly seem that his case forms an exception to the rule of retirement followed since 1882.

Your committee are led to believe that this case, being the first one of the kind to be disposed of, was either not so thoroughly considered or so well understood as subsequent cases.

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